

# BRAND & FRULLA

A PROFESSIONAL CORPORATION

923 FIFTEENTH STREET, N.W.

WASHINGTON, D.C. 20005

TELEPHONE: (202) 662-9700

TELECOPIER: (202) 737-7565

June 25, 2003

**BY HAND DELIVERY**

Jeff S. Jordan, Esquire  
Supervising Attorney  
Central Enforcement Docket  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: **MUR 5366**

Dear Mr. Jordan:

Enclosed please find executed statements of designation of counsel for our clients, Ms. Vikki Sanchez and Shernoff Bidart & Darras, and their respective responses to the complaint in the above referenced MUR.

If you should have any questions, please do not hesitate to contact us.

Sincerely,

  
Stanley M. Brand

SMB:car

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2003 JUN 26 P 4: 25

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From:

06/27/2003 06:38 #460 P.004

**STATEMENT OF DESIGNATION OF COUNSEL**

Please use one form for each respondent

MUR 5366NAME OF COUNSEL: Stanley M. Brand, Esq. Corey Rubin, Esq.FIRM: Brand & FrullaADDRESS: 923 Fifteenth Street, N.W.Washington, D.C. 20005TELEPHONE: ( 202 ) 662-9700FAX: ( 202 ) 737-7565

The above-named individual is hereby designated as my counsel  
and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

Vikki M. Sanchez

Print Name

6/16/03

Date

Vikki M. Sanchez

Signature

Title

RESPONDENT'S NAME: Vikki M. SanchezADDRESS: Walnut, CA 91789

TELEPHONE: HOME

BUSINESS ( 909 ) 621-4935

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## STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent

MUR 5366NAME OF COUNSEL: Stanley Brand & Corey RubinFIRM: Brand & FrullaADDRESS: 923 Fifteenth Street, N.W.Washington, D.C. 20005TELEPHONE: (202) 662-9700FAX: (202) 737-7565RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2003 JUN 26 P 4: 25

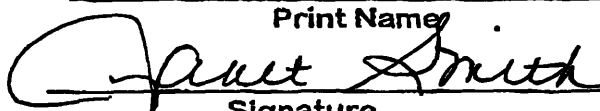
The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Janet Smith

Print Name

6/13/03

Date



Signature

Administrator

Title

RESPONDENT'S NAME: Shernoff Bidart & Darras LLPADDRESS: 600 S. Indian Hill Blvd.Claremont, CA 91711

TELEPHONE: HOME

BUSINESS( 909 ) 621-4935

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**BEFORE THE FEDERAL ELECTION COMMISSION**

**In the Matter of:**

**Vikki M. Sanchez**

**Respondent.**

**Matter Under Review 5366**

**RESPONSE OF VIKKI SANCHEZ TO THE COMPLAINT BY  
THE AMERICAN CONSERVATIVE UNION**

On behalf of Vikki M. Sanchez, we respectfully submit this response to the complaint filed in the above captioned matter under review ("MUR").

On May 30, 2003, the American Conservative Union ("ACU" or the "complainant") filed the complaint that initiated this MUR. In its complaint, the ACU asserts that the Edwards for President committee received "questionable contributions" from, among others, Vikki Sanchez. *See Complaint at p. 3.*

For the reasons set forth herein, Ms. Sanchez respectfully requests that the Commission dismiss her from this matter under review.

The ACU's complaint against Ms. Sanchez is based entirely on "published reports that Edwards for President Committee and John Edwards and numerous donors and fundraisers have violated the provisions of federal law related to fundraising for and contributions to presidential campaign committees." *See ACU Complaint at p. 1.*

The "published reports" referred to by the ACU consist of two newspaper articles (one each from *The Washington Post* and *The Hill*), two "opinion"-type pieces (one from "The

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Freedom Line,” a column on a website called “The Center for Individual Freedom,” and the other from the Cato Institute), and an article published by the Center for Public Integrity. After reviewing these materials, we have determined that only *The Hill* mentions Ms. Sanchez, and then only in the briefest manner, and without making any allegation of wrongdoing.

*The Hill* article reported that

Sen. John Edwards’ presidential campaign finance documents show a pattern of giving by low-level employees at law firms, a number of whom appear to have limited financial resources and no prior record of political donations.

“Donations to Sen. Edwards Questioned,” *The Hill*, May 23, 2003.

In regard to Ms. Sanchez, the article stated that “Vikki Sanchez is a paralegal at Shernoff Bidart & Darras, a law firm in Claremont, Calif.,” and that she “contributed \$2,000 [to the Edwards for President committee], the same day and the same amount as five other firm members.” *Id.*

Apparently, Ms. Sanchez’s only “violation” was her status as a “low-level” employee who, in *The Hill*’s estimation, could not possibly have afforded to make a \$2,000 contribution to the Edwards for President committee, noting that she was a paralegal and that her home was assessed in 2002 at \$266,700, “nearly \$20,000 less than what is what was bought for in 1987.” *Id.*

In fact, in 2002, Ms. Sanchez earned  
as senior paralegal for Shernoff Bidart & Darras, where she has worked for several years. See 2002 Internal Revenue Service Form W-2 for Vikki M. Sanchez attached as Exhibit 2. Ms. Sanchez’s husband, Thomas R. Sanchez, earned

in 2002 as an employee of the Metropolitan Water District located in Los

Angeles, CA. See 2002 Internal Revenue Service Form W-2 for Thomas R. Sanchez attached as Exhibit 3.

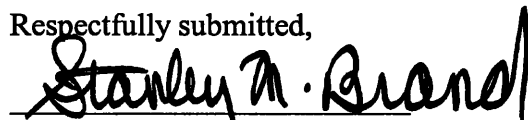
Ms. Sanchez and her husband, Thomas R. Sanchez, did, on February 28, 2003, make a joint contribution of \$4,000 to the Edwards for President committee. Further, Ms. Sanchez was aware that others in her law firm were contributing to the Edwards for President committee when she and her husband made their contribution. However, Ms. Sanchez knowingly and voluntarily made the contribution from her own funds, and was neither promised nor given a reimbursement for her or her husband's contribution. See Affidavits of Vikki M. Sanchez and Thomas R. Sanchez attached as Exhibits 1 and 4, respectively.

Moreover, the article itself recites that Ms. Sanchez told *The Hill* that she was not promised a reimbursement for her contribution, and that she had made at least one previous federal contribution.

As far as we can determine, Ms. Sanchez's designation as a respondent was due entirely to the fact that she was mentioned in a newspaper article, which itself was based on erroneous information that Ms. Sanchez could not afford to make a contribution to the Edwards for President committee.

Consequently, there is no basis whatsoever for maintaining Ms. Sanchez as a respondent, and, for these reasons, we respectfully request that she be immediately dismissed from this matter.

Respectfully submitted,



Stanley M. Brand  
Counsel for Respondent  
Brand & Frulla, P.C.  
923 15<sup>th</sup> Street NW  
Washington, D.C. 20005

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## EXHIBIT 1

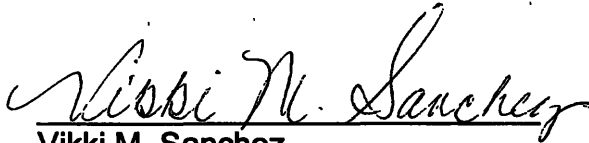
**AFFIDAVIT OF VIKKI M. SANCHEZ**

I, Vikki M. Sanchez, do hereby affirm and state:

1. I am married to Thomas R. Sanchez.
2. In 2002, I earned \_\_\_\_\_ as an employee of Shernoff Bidart & Darras located at 600 S. Indian Hill Blvd., Claremont, CA. See Vikki M. Sanchez 2002 Internal Revenue Service Form W-2 attached as Exhibit 2.
3. On or about February 28, 2003, I made a \$2,000 contribution to the Edwards for President committee (the "contribution").
4. I have knowingly and voluntarily made this contribution with my own funds.
5. I made this contribution without any promises of reimbursement from anyone, and I was not reimbursed for this contribution.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2003

  
Vikki M. Sanchez

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## EXHIBIT 4

**AFFIDAVIT OF THOMAS R. SANCHEZ**

I, Thomas R. Sanchez, do hereby affirm and state:

1. I am married to Vikki M. Sanchez.
2. In 2002, I earned \_\_\_\_\_ as an employee of the Metropolitan Water District located at 700 N. Alameda Street, Los Angeles, CA. See attached 2002 Internal Revenue Service Form W-2.
3. On or about February 28, 2003, I made a \$2,000 contribution to Edwards for President (the "contribution").
4. I have knowingly and voluntarily made this contribution with my own funds.
5. I made this contribution without any promises of reimbursement from anyone, and I was not reimbursed for this contribution.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2003

  
Thomas R. Sanchez

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**BEFORE THE FEDERAL ELECTION COMMISSION**

**In the Matter of:**

**Shernoff Bidart & Darras**

**Respondent.**

**Matter Under Review 5366**

**RESPONSE OF SHERNOFF BIDART & DARRAS TO THE COMPLAINT BY  
THE AMERICAN CONSERVATIVE UNION**

On behalf of Shernoff Bidart & Darras ("SBD"), we respectfully submit this response to the complaint filed in the above captioned matter under review ("MUR").

After reviewing the complaint and attached materials, SBD has not been able to identify any allegation(s) made against it, and, therefore, requests that the Federal Election Commission immediately dismiss SBD as a respondent from this matter.

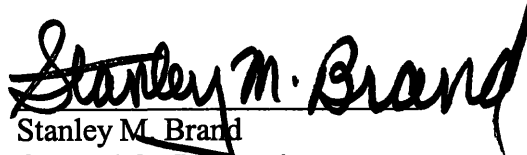
SBD presumes it was made a respondent because a newspaper article attached to the complaint (*The Hill*, May 23, 2003) identified an SBD employee as having made a contribution to the Edwards for President committee. We can find no other mention of SBD in the complaint or attached materials. SBD, therefore, can find no rational basis for its designation as a respondent, particularly since neither the complaint nor the *The Hill* article attached to the complaint alleged that SBD violated any law.

Consequently, SBD strongly objects to having been designated as a respondent in a matter in which absolutely no allegation of wrongdoing by SBD has been made, either in the complaint or in any of the materials attached to the complaint.

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For these reasons, we respectfully request that the Federal Election Commission, without delay, dismiss Shernoff Bidart & Darras from this matter under review.

Respectfully submitted,

A handwritten signature in black ink that reads "Stanley M. Brand". The signature is written in a cursive style with a large, sweeping "S" and a long, trailing flourish at the end.

Stanley M. Brand  
Counsel for Respondent  
Brand & Frulla, P.C.  
923 15<sup>th</sup> Street NW  
Washington, D.C. 20005

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